

APPEAL NO. 022259  
FILED OCTOBER 23, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on August 12, 2002. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_; that the claimant has had disability from February 21, 2002, and continuing through the date of the CCH; and that the appellant (carrier) did not waive the right to contest compensability. The carrier appealed the hearing officer's determinations that the claimant sustained a compensable injury and that he has had disability. The claimant responded. There is no appeal on the waiver issue.

DECISION

The hearing officer's decision is affirmed.

The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10) and that he has had disability as defined by Section 401.011(16). The claimant testified that he was injured while trying to move a trash dumpster at work. There was also evidence of a pay dispute. Conflicting evidence was presented on the issues of compensable injury and disability. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's determinations on the issues of compensable injury and disability are supported by the claimant's testimony and by the reports of the treating doctor and the referral doctor. The hearing officer's decision on the appealed issues is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Michael B. McShane  
Appeals Judge